United Nations CCPR/C/CAF/3

International Covenant on Civil and Political Rights

General
November 2018
English
Original: French
English, French and Spanish only

Human Rights Committee

Combined third periodic report submitted by the Central African Republic under article 40 of the Covenant, due in 2010*

[Date received: 26 June 2018]

* The present document is being issued without formal editing.

GE.18-19091 (E) 080119 110119

1819091

Please recycle

Introduction

1. The Central African Republic ratified the International Covenant on Civil and Political Rights on 8 May 1981 and submitted its second periodic report (CCPR/CAF/2004/2), which was considered by the Committee on 21 September 2005. However, it was unable to submit its third periodic report, due in 2010, on account of recurrent crises.

2. In spite of these constraints, which have hampered its socioeconomic development and led to political and institutional instability, in 2016, the Central African Republic resolutely embarked on the path of pluralist democracy and the establishment of a State governed by the rule of law where human rights and fundamental freedoms are respected. Since its establishment following free and fair elections in 2016, the Central African Government has consistently shown a real and growing interest in human rights activities and acted to ensure the fulfilment of the country's obligations to protect and promote human rights.

3. It is with the aim of renewing its dialogue with the Committee and honouring its obligations under article 40 of the Covenant that the Central African Republic has prepared the present periodic report covering the period from 2005 to 2015. The report was prepared by the national standing committee responsible for the drafting of reports due under international human rights instruments at its session which ran from 25 August to 18 September 2017. The committee is composed of representatives of government ministries, civil society, trade unions, Parliament, universities, the Higher Council for Communication and the Bar Association.

4. The report is divided into three main sections:

- Overview of the legal and institutional frameworks for the protection and promotion of civil and political rights in the Central African Republic.
- Responses to the Committee's concluding observations (CCPR/C/CAF/CO/2 of 27 July 2006).
- Recent developments in the implementation of the provisions of the International Covenant on Civil and Political Rights by the Central African Republic.

5. The report has been prepared in accordance with the Guidelines for the treaty-specific document to be submitted by States parties under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/2009/1).

I. Overview of the legal and institutional framework for the promotion and protection of civil and political rights

6. Since the submission of its second periodic report to the Committee on 21 September 2005, the country's legal and institutional framework for civil and political rights has undergone significant changes. It now enshrines most of the rights and obligations recognized by the relevant international and regional legal instruments.

A. Legal framework for the protection and promotion of civil and political rights

7. This refers to the international conventions, treaties and agreements on civil and political rights ratified by the Central African Republic and to the constitutional provisions and domestic legislation adopted in that connection.

1. International and regional legal instruments ratified by the Central African Republic between 2005 and 2017

8. The Central African Republic acceded to the International Covenant on Civil and Political Rights on 8 May 1981 and to the African Charter on Human and Peoples' Rights on 26 April 1986. The Central African Republic ratified most of the main international treaties on civil and political rights before 2003, prior to the period covered by the present periodic report. The country has ratified a number of other human rights treaties over the period leading up to 2017.

9. Therefore, only the international legal instruments ratified by the Central African Republic to date will be taken into account. They include:

- International Labour Organization (ILO) Conventions Nos. 112, 120, 122, 132, 138, 142, 144, 150, 155, 158, and 160, ratified in 2005
- The Non-Aggression, Solidarity and Mutual Assistance Pact between the member States of the Central African Economic and Monetary Community (CEMAC), ratified in 2005
- The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and People's Rights, ratified in 2006
- The African Union Convention on Preventing and Combating Corruption, ratified in 2006
- The United Nations Convention against Corruption, ratified in 2006
- The World Health Organization (WHO) Framework Convention on Tobacco Control, ratified in 2006
- The Agreement on the Privileges and Immunities of the International Criminal Court, ratified in 2006
- The United Nations Convention against Transnational Organized Crime and the Protocols thereto, ratified in 2006
- The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified in 2006
- The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 24 December 1973, ratified in 2006
- The Convention on the Physical Protection of Nuclear Material and Nuclear Facilities, ratified in 2006
- The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (Rome, 10 March 1988), ratified in 2006
- The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, ratified in 2006
- The International Convention for the Suppression of Terrorist Bombings, ratified in 2006
- The International Convention for the Suppression of Acts of Nuclear Terrorism, ratified in 2006
- The Convention on Security Cooperation between the member States of the Community of Sahel-Saharan States (CEN-SAD), ratified in 2006
- The Convention on the Protection and Promotion of the Diversity of Cultural Expressions, ratified in 2007
- The Multilateral Convention on Social Security, ratified in 2007
- The Pact on Security, Stability and Development in the Great Lakes Region, ratified in 2007
- The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, ratified in 2010

- The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), ratified in 2010
- The Convention governing the CEMAC Community Court of Justice, ratified in 2010
- The African Youth Charter, ratified in 2011
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified in 2012
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified in 2012
- The Protocol relating to the Establishment of the Peace and Security Council of the African Union, ratified in 2016
- The African Charter on Democracy, Elections and Governance, ratified in 2017

2. Advances in domestic legislation between 2005 and 2017

(a) Constitutions

10. Since the consideration of the second periodic report of the Central African Republic by the Committee, the country has had three different Constitutions:

- The Constitution of 24 December 2004 (in force until 24 March 2013)
- The Transitional Constitutional Charter of 18 July 2013 (in force until 29 March 2015)
- The current Constitution, which was adopted on 14 December 2015 and promulgated on 30 March 2016

11. Each of these texts guarantees respect for human rights and fundamental freedoms.

12. The preamble to each of the Constitutions sets out the country's commitment to fulfilling its international and regional obligations under the treaties to which it is a party, in this case the International Covenant on Civil and Political Rights. As to the treaties ratified by the Central African Republic, all three of the Constitutions provide that:

- The ratification of human rights treaties requires the prior authorization of the legislative branch
- As soon as they are published in the Official Gazette, duly ratified international treaties take precedence over domestic legislation

13. Like the previous versions, in its articles 1 to 23, the most recent Constitution of the Central African Republic includes wide-ranging provisions for the protection and promotion of human rights and fundamental freedoms.

14. Article 1 of the Constitution provides that: "The human person is sacred and inviolable. All public officials and all organizations have an absolute obligation to respect and protect it. The Republic recognizes the existence of human rights as the basis of every human community and of peace and justice in the world."

15. Article 3 of the Constitution provides that: "Everyone has the right to life and to physical integrity. This principle may be derogated from only in application of the law. No one shall be subjected to torture, rape or to cruel, inhuman or degrading treatment."

16. Article 6 of the Constitution stipulates that: "All human beings are equal before the law without distinction as to race, ethnic or regional origin, sex, religion, political affiliation or social status."

17. While providing for equality between men and women, the new Constitution specifies in its article 7 (4) that: "The protection of women and children against violence and insecurity, exploitation and moral, intellectual or physical abandonment is an obligation

of the State and other public authorities. This protection is guaranteed by appropriate measures and institutions of the State and other public authorities."

(b) Legislative measures

18. The Central African Republic has adopted several laws and regulations that often serve to complement and strengthen the constitutional provisions in force between 2005 and 2017.

19. The Criminal Code of 2010 prohibits and punishes gender-based violence, including rape and other forms of sexual violence. Article 87 punishes rape, including indecent assault on children under 15 years of age, with a term of imprisonment. Article 117 prescribes a penalty of hard labour and life imprisonment if the rape is committed against a woman who is particularly vulnerable on account of pregnancy, illness, disability or physical or moral deficiency either by two or more perpetrators or accomplices, or by a legitimate, natural or adoptive ascendant of the victim, or by a person who has abused the authority conferred upon him or her by his or her duties.

20. Articles 112 and 116 punish traditional practices, including female genital mutilation.

21. In accordance with the Rome Statute of the International Criminal Court, which the Central African Republic ratified in 2001, the Criminal Code classes rape and other forms of sexual violence, when committed as part of a widespread or systematic attack directed against any civilian population, as war crimes and crimes against humanity.

22. Other legislative measures taken to combat sexual violence in the Central African Republic include a government decree, signed on 8 January 2015, establishing a rapid response unit within the police and Gendarmerie tasked with preventing and prosecuting all forms of sexual violence.

23. In addition, on 3 March 2015, the Central African Republic adopted a law establishing the Special Criminal Court to examine and rule on serious violations of human rights and international humanitarian law, such as war crimes and crimes against humanity, including rape and other forms of sexual violence, committed in the country since 2003. In addition to the above-mentioned domestic legal instruments, a raft of legislative measures aimed at protecting and promoting human rights in the Central African Republic have been adopted by successive governments since 2005.

24. These include:

- Ordinance No. 05.002 of 22 February 2005 on freedom of communication, which provides for the decriminalization of press offences
- Act No. 06.001 of 12 April 2006 on the Water Code
- Act No. 06.002 of 10 May 2006 on the Central African Cultural Charter
- Act No. 06.005 of 20 June 2006 on reproductive health
- Act No. 06.030 of 12 September 2006 establishing the rights and obligations of persons living with HIV/AIDS
- Act No. 06.032 of 15 December 2006 on the protection of women from violence in the Central African Republic
- Act No. 06.035 of 26 December 2006 on the Social Security Code
- Act No. 06.034 of 28 December 2006 on the National Social Security Fund
- Act No. 07.018 of 28 December 2007 on the Environment Code
- Act No. 07.019 of 28 December 2007 on the status of refugees in the Central African Republic
- Act No. 07.020 of 28 December 2007 regulating telecommunications in the Central African Republic
- Act No. 08.016 of 20 May 2008 on the special status of the Central African police
- Act No. 08.022 of 17 October 2008 on the Forestry Code

- Act No. 09.001 of 16 January 2009 on the Central African Housing Agency
- Act No. 09.003 of 16 January 2009 on the framework national policy on land use
- Act No. 09.005 of 28 April 2009 on the Mining Code
- Act No. 09.004 of 29 January 2009 on the Labour Code, amending Act No. 61/221 on the Labour Code
- Act No. 09.014 of 10 August 2009 on the General Civil Service Regulations
- Act No. 09.012 of 10 August 2009 on the protection of older persons
- Act No. 10.001 of 6 January 2010 on the Criminal Code, amending Act No. 61.232 of 18 July 1961 on the Criminal Code
- Act No. 10.002 of 6 January 2010 on the Code of Criminal Procedure, amending Act No. 61.265 of 15 January 1962 on the Code of Criminal Procedure
- Act No. 10.006 of 21 June 2010 on the status of the legal profession
- Act No. 13.001 of 18 July 2013 establishing the Transitional Constitutional Charter
- Act No. 15.003 of 3 March 2015 on the establishment and operation of the Special Criminal Court
- Act No. 16.004 of 24 November 2016 introducing gender parity in public, semi-public and private-sector employment
- Act No. 17.015 of 20 April 2017 establishing the National Commission on Human Rights and Fundamental Freedoms
- Act No. 17.012 of 24 March 2017 on the Code of Military Justice

B. Institutional framework for promoting and protecting civil and political rights

25. On 15 March 2003, General François Bozizé, who had come to power by force of arms, proclaimed himself Head of State, which prompted the international community to impose sanctions on the Central African Republic.

26. After having suspended the Constitution and dissolved the National Assembly, the putschist General established a Government composed of 28 members. The National Transitional Council, a legislative body with a mandate to restore the rule of law, was established to assist the President in drafting a new constitution and in preparing the country for elections.

27. In March and May 2005, the two-round presidential and legislative elections brought an end to the two-year transitional regime of General Bozizé. He won the presidential elections in the second round with 64.6 per cent of the vote. His party, known as Kwa Na Kwa, won the largest number of seats in the National Assembly.

28. The seizure of power by the Seleka coalition on 24 March 2013, which brought an end to General Bozizé's regime, also plunged the Central African Republic into a new political, security, humanitarian and human rights crisis.

29. Michel Djotodia, a leader of the Seleka coalition, proclaimed himself President of the Republic. The Constitution was suspended and the Constitutional Court and the Government of National Unity were dissolved. The National Transitional Council was established as a new legislative body consisting of 135 members. This period was marked by the complete breakdown of public order and massive human rights violations.

30. Under pressure from all sides and following a Central African leaders' summit held in N'Djamena, Chad, Michel Djotodia was forced to resign on 10 January 2014.

31. Ms. Catherine Samba Panza succeeded him as President of the Transitional Government on 20 January 2014. Her Government was mandated to stabilize the country and to organize elections, which resulted in Professor Faustin Archange Touadéra taking office in 2016.

1. National State institutions

32. The State institutions responsible for the realization of civil and political rights in the Central African Republic are many and may be classified as follows:

(a) Institutions established by the Constitution

33. At the institutional level, the Central African Constitution of 30 March 2016 provided for the separation of powers and certain innovations in the field of human rights.

Executive branch

34. According to the Constitution, the executive branch is composed of the President of the Republic as the Head of the Executive and the Prime Minister as the Head of Government.

The President of the Republic

35. The President of the Republic, as Head of State, personifies the unity of the nation. He or she sets the country's broad policy objectives and is elected by two-round direct and secret universal suffrage for a five-year term that can be renewed only once (art. 35).

The Prime Minister

36. The Prime Minister, whose action plan is submitted to the President of the Republic and the National Assembly for approval, sets and implements national policy and coordinates and leads government activities.

37. The executive branch has taken several measures to implement its human rights policy, the most significant of which are the ratification of international treaties on civil and political rights, the strengthening of cooperation with international and regional human rights mechanisms and the establishment of the National Commission on Human Rights and Fundamental Freedoms.

Legislative branch: Parliament

38. Article 63 of the Constitution provides that legislative power is to be exercised by a Parliament comprising two chambers:

- The National Assembly, which is operational.
- The Senate, which is not yet operational.

39. The power to table legislation rests concurrently with the Government and Parliament (art. 83). Article 80 of the Constitution determines the matters that fall within the scope of the law, in particular the rights and obligations of citizens, namely:

- Civil rights and fundamental guarantees
- Gender parity
- Restrictions

40. Noteworthy actions taken to protect and promote civil and political rights include the establishment of a human rights commission and the establishment of a network of parliamentarians for the abolition of the death penalty.

Judicial branch

41. Article 107 of the Constitution of 30 March 2016 provides that: "The judiciary shall be independent of the legislative and executive branches. Justice is administered in the territory of the Central African Republic on behalf of the Central African people by the Court of Cassation, the Council of State, the Court of Auditors, the Jurisdiction Court and domestic courts and tribunals." Judges are independent and are subject only to the authority of the law in the exercise of their functions (art. 108).

The Court of Cassation (arts. 111 to 114)

42. The Court of Cassation gives an opinion on judicial issues put to it by the President of the Republic or the President of the National Assembly. It may also, on its own initiative, alert the President of the Republic to any legislative or regulatory amendments that it may consider to be in the public interest. The structure and functioning of the Court of Cassation is established in an Organic Act. This Court is not a third level of jurisdiction. It adjudicates on points of law and of fact. The rulings handed down by the Court of Cassation are deemed res judicatae and are consequently not subject to appeal.

The Council of State (arts. 115 to 117)

43. The Council of State is established as a court of appeal and cassation for the administrative tribunals, administrative bodies with judicial status and the Court of Auditors.

The Court of Auditors (arts. 118 and 119)

44. The Court of Auditors is competent to try public accounting officers of local authorities or State enterprises.

The Jurisdiction Court (arts. 120 and 121)

45. The Jurisdiction Court is an ad hoc tribunal competent to adjudicate on conflicts over judicial or administrative jurisdiction.

The Parliamentary Court of Justice (arts. 122 to 127)

46. The Parliamentary Court of Justice is competent to try the President of the Republic and members of the Government for crimes constituting high treason:

- Betrayal of oath of office
- Political assassination
- Racketeering
- Any action that runs counter to the interests of the Nation

47. The judgments of the Parliamentary Court of Justice are not subject to appeal. There are also the other courts and tribunals that contribute to the realization of civil and political rights in the Central African Republic.

The Constitutional Court (arts. 95 to 106)

48. The Constitutional Court is the highest court of the State in constitutional matters. As such, it is tasked with:

- Verifying the constitutionality of organic and ordinary laws that have already been promulgated or that have simply been voted on and the rules of procedure of the National Assembly
- Hearing electoral disputes
- Verifying the legality of elections, examining complaints and announcing the final results
- Verifying the legality of referendums, examining complaints and announcing the final results
- Receiving the oath of the elected President of the Republic
- Adjudicating on conflicts of competence within the executive branch, between the legislative and executive branches, and between the State and local authorities
- Reporting any failure to promulgate laws that have been definitively adopted so as to facilitate their entry into force
- Interpreting the Constitution

- Giving its opinion on draft or proposed constitutions and the referendum procedure
- Receiving assets declarations

49. According to article 98 of the Constitution: "Any person who considers that his or her rights have been infringed may bring a case concerning the constitutionality of laws before the Constitutional Court, either directly or by lodging an objection on grounds of unconstitutionality in a court case involving him or her. The Constitutional Court shall give its ruling within one month. In an emergency, this period is reduced to eight days."

The Economic and Social Council (arts. 130 to 132)

50. The Economic and Social Council is a consultative assembly for economic, social, cultural and environmental matters. The Council must be consulted on any plan or bill relating to an economic, social, cultural or environmental action programme.

The National Mediation Council (arts. 133 to 135)

51. The National Mediation Council is a standing body led by an independent figure, the Ombudsman.

52. It has a mandate to improve relations between citizens and the Administration with the aim of protecting and promoting the former's rights.

53. It also has extensive powers to receive complaints from citizens and to propose the reforms necessary for the creation of an effective mechanism for the prevention, management and resolution of conflicts.

The Higher Council for Communication (arts. 136 to 142)

54. The Higher Council for Communication is independent of any political power, political party, association or pressure group.

55. It is responsible for guaranteeing the exercise of freedom of expression and equal access to the media, in keeping with the legislation in force. It also has regulatory and decision-making powers.

The National Elections Authority (arts. 143 to 145)

56. The National Elections Authority is an independent and autonomous standing body. It is responsible for overseeing consultations and general elections.

The Higher Authority for Good Governance (arts. 146 to 150)

57. The Higher Authority for Good Governance is independent of any political power, political party, association or pressure group. It has a mandate to:

- Ensure the equitable representation of all regions of the Central African Republic in public and semi-public institutions
- Uphold the prohibition of family, clan, patrimonial and partisan participation in the management of public affairs
- Ensure the protection of the rights of minorities, indigenous peoples and persons with disabilities, and the principle of equality between men and women

Ministerial departments

58. Following the country's return to constitutional legality, the new authorities created numerous ministerial departments responsible for the protection and promotion of civil and political rights, including:

- The Ministry of Justice and Human Rights
- The Ministry of Economy, Planning and Cooperation
- The Ministry of Foreign Affairs and Central Africans Abroad
- The Ministry of National Defence and Army Reconstruction

- The Ministry of Territorial Administration, Decentralization and Local Development
- The Ministry of Humanitarian Action and National Reconciliation
- The Ministry of Communication and the Media
- The Ministry of the Interior, which is responsible for public security
- The Ministry of Post and Telecommunications
- The Ministry of Primary, Secondary and Technical Education and Literacy
- The Ministry of Labour, Employment and Social Welfare
- The Ministry for the Advancement of Women, the Family and Child Protection
- The Ministry of Public Works and Road Maintenance
- The Ministry for Scientific Research and Technological Innovation
- The Ministry of the Civil Service
- The Ministry for the Modernization of the Administration and the Innovation in the Public Service
- The Ministry of the Environment and Sustainable Development
- The Ministry responsible for the general secretariat of the Government
- The Ministry responsible for institutional relations

(b) Other institutions competent in the field of human rights

59. In accordance with the Paris Principles, the Central African Republic has a number of independent institutions and bodies competent to receive complaints concerning violations of or failure to respect human rights. These include:

- The National Commission on Human Rights and Fundamental Freedoms, established on 20 April 2017
- The Special Criminal Court, which is in the process of being operationalized

2. Non-State structures

60. In the Central African Republic, several civil society organizations are working to promote and protect civil and political rights.

(a) Non-governmental organizations (NGOs) working in the field of human rights

- Action by Christians for the Abolition of Torture
- Mouvement pour la Défense des Droits de l'Homme (Movement for the Defence of Human Rights)
- Ligue Centrafricaine des Droits de l'Homme (Central African Human Rights League)
- Organisation pour la Compassion et le Développement des Familles en Détresse (Organization for Compassion and the Development of Families in Distress)
- Central African Human Rights Observatory
- Association des Femmes Juristes de Centrafrique (Association of Women Lawyers of the Central African Republic)
- Association Centrafricaine de Lutte Contre la Violence (Central African Association against Violence)
- Commission Épiscopale Justice et Paix (Episcopal Commission for Justice and Peace)
- *Observatoire pour la Promotion de l'Etat de Droit (Observatory of the Promotion of* the Rule of Law)
- Organisation des Femmes de Centrafrique (Central African Republic Women's Organization)

- Conseil National de la Jeunesse (National Youth Council)
- L'Observatoire Centrafricain des Élections et de la Démocratie (Central African Observatory on Elections and Democracy)

(b) Trade unions

- Confédération Chrétienne des Travailleurs de Centrafrique (Christian Confederation of Central African Workers)
- Confédération Nationale des Travailleurs de Centrafrique (National Confederation of Central African Workers)
- Confédération Syndicale des Travailleurs de Centrafrique (Trade Union Confederation of Central African Workers)
- Organisation des Syndicats Libres des Secteurs Publics, Parapublics et Privés (Organization of Free Trade Unions of the Public, Semi-public and Private Sectors)
- Union Générale des Travailleurs de Centrafrique (General Union of Central African Workers)
- Union Syndicale des Travailleurs de Centrafrique (Trade Union Federation of Central African Workers)

(c) International partners

- The Human Rights Division of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), whose support is essential for the implementation of the Government's policy to promote and protect human rights
- The United Nations Development Programme (UNDP)
- UN-Women
- The African Union

II. Replies to the Committee's concluding observations

61. Following the consideration of the second periodic report of the Central African Republic on 21 September 2005 (CCPR/C/CAF/2004/2), the Committee made recommendations to the Central African Republic on 27 July 2006 relating to specific concerns (CCPR/C/CAF/CO/2).

62. In accordance with rule 71 (5) of the Committee's rules of procedure, the Central African Republic should have submitted, within one year, information on the follow-up given to the Committee's recommendations contained in paragraphs 11, 12 and 13. The Central African Republic was to provide information in its next report on the other recommendations made by the Committee and on the implementation of the Covenant as a whole by 1 August 2010, the date of submission of the State party's next periodic report.

63. Regrettably, the Central African Republic failed to respond to the Committee's concluding observations within the specified deadline. Through the present report, the Central African Republic undertakes to provide information on the different points in respect of which the Committee has expressed concern and has made recommendations.

A. Response to paragraph 6 on the availability of remedies to guarantee the exercise of civil rights

64. Act No. 91.016 of 27 December 1991 establishing the Code of Civil Procedure of the Central African Republic repealed the General Order of 11 May 1914 regulating civil and commercial proceedings before courts of appeal, courts of first instance and district courts with extended jurisdiction and with the usual jurisdiction of French Equatorial Africa. The applicable remedies are set out under Title XIV of the Act in question.

65. Article 491 distinguishes between general remedies (appeal on fact and application to set aside a judgment) and special remedies (application by a third party to set aside a judgment, application to reopen civil proceedings and appeal on points of law).

1. General remedies

66. The time limit for filing a general appeal is two months in contentious proceedings and one month in non-contentious proceedings (art. 502). The enforcement of the judgment is stayed during this time (art. 503).

Appeal on fact

67. The purpose of an appeal on fact is to have a judgment handed down by a court of first instance modified or set aside by the Court of Appeal (art. 504). An appeal on fact may be filed in all proceedings, even those of a non-contentious nature, against judgments of courts of first instance, unless otherwise provided by law (art. 505).

68. The right of appeal on fact may be exercised by any party who has an interest in the matter, provided that he or she has not waived that right (art. 508).

69. Lastly, with regard to the effects of the remedy in question, an appeal on fact serves to contest the final judgment before the Court of Appeal, thus enabling a new judgment to be handed down (art. 521).

Application to set aside a judgment

70. The purpose of such an application is to have a judgment that was handed down by default revoked (art. 531). In addition, the remedy serves to contest, before the same court, the points judged by default, thus enabling them to be reviewed in fact and in law.

2. Special remedies

71. An application for a special remedy and the specification of a time limit for exercising that right do not have the effect of staying the enforcement of a judgment, unless otherwise provided by law (art. 538).

Application by a third party to set aside a judgment

72. The purpose of such an application is to have a judgment revoked or modified for the benefit of the third party impugning it. This remedy allows the third party to contest the points judged, thus enabling them to be reviewed in fact and in law (art. 541). Any person who has an interest in the matter may file such an application, provided that he or she has not been a party to or represented in the proceedings in which the contested judgment has been handed down (art. 542).

73. All judgments may be appealed by a third party unless otherwise provided by law (art. 544).

74. Lastly, third-party applications to set aside a judgment may, in principle, be filed within 30 years from the date on which the judgment was handed down, unless otherwise provided by law. However, in contentious proceedings, an application from a third party who has been notified of the judgment will only be admissible for three months from the date of the notification, on the condition that the notification indicates very clearly the time available to the third party and the modalities for filing an appeal. The same applies in non-contentious proceedings when a final judgment has been handed down (art. 545).

Application to reopen civil proceedings

75. The purpose of such an application is to have a final judgment revoked, thus enabling it to be reviewed in fact and in law (art. 552).

76. However, an application for this remedy may only be filed by persons who were parties to or represented in the proceedings in which the judgment was handed down (art. 553) and for one of the express reasons listed in article 554 of the Code of Civil Procedure.

77. The time limit for filing an application to reopen civil proceedings is three months and runs from the day on which the party became aware of the reason that he or she is using to invoke the remedy (art. 555).

Appeal on points of law

78. Regulated by Act No. 95.0011 of 23 December 1995 establishing the structure and regulating the functioning of the Court of Cassation, an appeal on points of law may be filed against final rulings and judgments when the courts in question lacked the necessary jurisdiction or broke the law (art. 15).

79. The time limit for filing an appeal on points of law is two months from the date on which notification of the ruling or judgment is received by the parties, either in person or at their home address. The judgment or ruling in question must be contested by either party in order for the applicable time limit to take effect. With regard to judgments handed down by default, the time limit will run only from the day on which the application to set aside a judgment ceases to be admissible. However, this time limit is halved in cases involving child support or an urgent application for an interim order (art. 20).

80. When seized of an appeal on points of law, the Court of Cassation, may, at the request of the appellant and by simply notifying the opposing parties of the request and giving them eight days to submit their observations, order, in a public hearing, a stay of the enforcement of the contested ruling or judgment, if its enforcement would result in irreparable damage, before ruling on the merits. The Court of Cassation issues a ruling within one month from the date of registration by its administration service of the request for the stay of enforcement (art. 22).

81. Legal assistance may be granted for disputes before the Court of Cassation in accordance with the general regulations in force (art. 29).

B. Response to paragraph 7 on steps taken to ensure that all persons responsible for human rights violations, including civil servants, army personnel and police officials, are prosecuted and punished

82. The adoption of Act No. 10.001 of 6 January 2010 establishing the Criminal Code of the Central African Republic is a reflection of the Government's determination to prosecute and punish the perpetrators of human rights violations. Title VIII and Chapters XIV, XV and XVI criminalize the following:

- The misappropriation of public funds and property
- Corruption
- Extortion or dishonest receipt of money by a public official
- Influence peddling
- Financial gain from the performance of official duties
- The breach of confidentiality of correspondence.

83. Article 135 of Act No. 09.014 of 10 August 2009 on the General Civil Service Regulations provides that: "Any act of misconduct committed by a civil servant in the performance of or in connection with his or her duties or any breach of his or her professional obligations set out herein shall make him or her liable to disciplinary action, without prejudice, where appropriate, to the penalties provided for by criminal law."

84. Act No. 17.012 of 24 March 2017 establishing the Code of Military Justice is one of the most important advances in this area. Article 1 of the Act provides that military justice is to be administered throughout the national territory by:

- Military courts
- Courts martial
- Courts of appeal

- The Court of Cassation

85. The offences that may be dealt with by military courts are defined in articles 21, 22 and 23 of the Code.

86. Article 25 lists the military personnel who may be prosecuted before military courts while article 26 lists the persons who may also be treated as such for that purpose.

87. The following are considered to be:

- Military personnel
    - Any person belonging to the National Army, including the Gendarmerie
    - Persons who are on active service, either actually present on the ground, on standby or frequently or infrequently absent during the grace period after which desertion is considered to have occurred
    - General officers of the second section and those receiving treatment
    - All crew members
    - All prisoners of war
- Persons who may be treated as such for the purpose of prosecution by military courts
    - Members of the Central African police
    - Customs officers
    - Members of the water and forestry service
    - Reservists
    - Persons called up or recalled to military service
    - Military personnel working in a hospital or prison that is under police guard or assigned to a unit
    - Any civilian who has taken up arms or taken part in an armed insurgency against the Republic
    - Civilian personnel employed on a statutory or contractual basis by the armed forces

C. Response to paragraph 8 on guarantees for victims of serious violations of human rights and international humanitarian law and their right to compensation and reparation

88. Act No. 15.003 of 30 June 2015 establishing and regulating the functioning of the Special Criminal Court sets out the fundamental guarantees for victims of serious violations of human rights, humanitarian law and the right to compensation and reparation in the Central African Republic. Article 3 (1) provides that: "The Special Criminal Court is competent to investigate, examine and rule on serious violations of human rights and international humanitarian law committed in the territory of the Central African Republic since 1 January 2003, as defined in the Central African Criminal Code and pursuant to the international obligations assumed by the Central African Republic under international law, including crimes of genocide, crimes against humanity and war crimes under investigation now or subject to investigation in the future."

89. Article 24 of Act No. 17.012 of 24 March 2017 establishing the Code of Military Justice provides that "claims for indemnification are admissible before military courts".

90. Following a ruling handed down by the Court of Cassation on 11 April 2006, the Central African Republic referred to the International Criminal Court crimes committed by the troops of Jean-Pierre Bemba.

91. The Central African Republic organized two criminal court hearings in 2005.

D. Response to both points raised in paragraph 9

- The need to bring the Family Code into line with international instruments, including articles 3, 23 and 26 of the Covenant.
- The need to step up efforts to raise women's awareness of their rights, promote their participation in political life and guarantee them access to education and employment.

92. The legislative measures taken in this connection include:

- Submission of the Family Code for review
- Act No. 06.005 of 20 June 2006 on reproductive health
- Act No. 06.032 of 27 December 2006 on the protection of women from violence in the Central African Republic
- Act No. 16.004 of 24 November 2016 introducing gender parity in public, semi-public and private-sector employment in both the informal and formal sectors

93. The table below provides an overview of women's representation in public life:

No.	*Entities*	*Total number of employees*	*Men*	*Women*	*Sources*
1	Government	34	29	5	Decree No. 17.324 of 12 September 2017
2	Office of the President	22	19	3	
3	Office of the Prime Minister	43	33	10	Decree No. 16.274 of 21 June 2016
4	Constitutional Court	8	4	4	Decree No. 17.114 of March 2017
5	Parliamentary Court of Justice	8	7	1	
6	The Higher Authority for Good Governance	19	12	7	Decree No. 17.112 of 22 March 2017
7	Higher Council for Communication	8	4	4	Decree No. 17.110 of 22 March 2017
8	Prefects	16	14	2	Decree No. 17.307 of 23 August 2017
9	Assistant prefects	71	65	6	Decree No. 17.190 of 15 May 2017
10	Chiefs of administrative control posts	2	2	0	Decree No. 17.190 of 15 May 2017

E. Response to paragraph 10 on the abolition of polygamy

94. Since 2005, several seminars, workshops and consultations have been organized around the issue of the abolition of polygamy in the Central African Republic. The Family Code, which is currently under review, will reflect this desire to abolish the practice.

F. Response to paragraph 11 on criminalizing female genital mutilation and bringing perpetrators to justice

95. The measures adopted to combat female genital mutilation since 2005 include:

- Article 1 of the Constitution of 30 March 2016, which provides that human beings are sacred and inviolable. All public officials have an absolute obligation to protect and respect this right. Article 3 provides that everyone has the right to life and physical integrity and that no one should be subjected to torture, rape or other forms

of cruel, inhuman, degrading or humiliating treatment. Article 7 (5) provides that the protection of women and children from violence and insecurity, exploitation and moral, intellectual or physical abandonment is an obligation of the State and other public authorities.

- Act No. 10.001 of 6 January 2010 establishing the Central African Criminal Code punishes violence perpetrated against women and children. Articles 112 to 117 criminalize traditional practices, including female genital mutilation. In addition to these key measures, the Central African Republic has adopted and amended several other laws and regulations that contribute to the protection of women.
- Act No. 06.005 of 20 June 2006 on reproductive health.
- Act No. 06.032 of 27 December 2006 on the protection of women from violence in the Central African Republic.
- Decree No. 15.007 of 8 January 2015 establishing the Joint Unit for Rapid Intervention and Suppression of Sexual Violence against Women and Children.
- Order No. 16/003 of 29 February 2016 establishing the structure and regulating the functioning of the Joint Unit for Rapid Intervention and Suppression of Sexual Violence against Women and Children. The Unit has a mandate to provide a rapid response to suspected cases of sexual violence by collecting and preserving evidence, interviewing victims, documenting cases, providing guidance to victims and bringing perpetrators to justice.
- Interministerial Order No. 16/958 of 9 December 2016, amending and supplementing certain provisions of Order No. 16/003 of 29 February 2016 establishing the structure and regulating the functioning of the Joint Unit.
- The adoption of an action plan to combat harmful practices, gender-based violence and sexual violence, including female genital mutilation, for the period 2007–2011 with the financial support of WHO.

96. The Ministry for the Advancement of Women, the Family and Child Protection is the government body responsible for matters relating to women, children and vulnerable groups.

97. However, a number of associations and NGOs are also working to protect human rights. These include the Association des Femmes Juristes de Centrafrique (Association of Women Lawyers of the Central African Republic), which runs local legal clinics with the aim of promoting and protecting human rights. The Inter-African Committee on Traditional Practices Affecting the Health of Women and Children also contributes to this endeavour.

98. Several seminars and workshops have been held to inform, raise the awareness of and educate the population about women's rights.

99. Ordinance No. 66.032 of 22 December 1966 prohibiting excision throughout the territory of the Central African Republic remains in force.

G. Response to paragraph 12 on the steps taken to guarantee that all allegations of serious human rights violations are investigated by an independent body and that the perpetrators of such acts are prosecuted and punished

100. The Central African Republic has adopted various measures to this end, including:

- Act No. 15.003 of 30 June 2015 establishing and regulating the functioning of the Special Criminal Court
- Article 1 of Act No. 17.012 of 24 March 2017 establishing the Code of Military Justice, which provides that military justice is to be administered throughout the national territory by:
    - Military courts
    - Courts martial

- Courts of appeal
- The Court of Cassation

- Act No. 17.015 of 20 April 2017 establishing the National Commission on Human Rights and Fundamental Freedoms

H. Response to paragraph 13 on the abolition of the death penalty and the accession by the Central African Republic to the Second Optional Protocol to the Covenant

101. Although the death penalty has not yet been abolished in the Central African Republic, in practice, judges no longer impose it, opting to impose a life sentence instead.

102. Article 59 of Act No. 15.003 of 3 June 2015 establishing and regulating the functioning of the Special Criminal Court provides that:

> "The penalties that the Special Criminal Court may impose on the perpetrators of the crimes referred to in article 3 of this Act shall be those provided for in the Criminal Code of the Central African Republic. However, in accordance with article 6 of the International Covenant on Civil and Political Rights of 1966, article 77 of the Rome Statute of 1998, the Cotonou Declaration of 4 July 2014 and United Nations General Assembly resolution 69/186 of 2014, entitled 'Moratorium on the use of the death penalty', the maximum penalty imposed shall be life imprisonment."

103. In May 2012, the Ministry of Justice set up a national committee to consider the question of the abolition of the death penalty. Several activities have been conducted, resulting in the bill to abolish the death penalty prepared by the Government in 2012.

104. A key activity was the holding of a seminar for all parliamentarians on 10 December 2012 in the lower chamber of the National Assembly as a means of encouraging them to vote in favour of the bill. Regrettably, the arrival of the heavily armed Seleka coalition in Damara, the gateway to the city of Bangui, led to the postponement of the seminar, while the subsequent change in regime on 24 March 2013 led to the suspension of the process.

105. Following the country's return to constitutional legality, the new authorities are working to relaunch the process of abolishing the death penalty in the Central African Republic. The establishment of a network of parliamentarians for the abolition of the death penalty is a step towards ensuring that the process yields the desired outcome.

106. Civil society, through Action by Christians for the Abolition of Torture, is organizing workshops to raise public awareness and is advocating its abolition.

107. The first step towards its abolition is already in effect, with the adoption in 2017 of the Code of Military Justice, which does not include any provision for the death penalty.

I. Response to paragraph 14 on the legal duration of police custody

108. Act No. 10.002 of 6 January 2010 establishing the Code of Criminal Procedure now sets the legal time limit for police custody at 72 hours, renewable only once with permission from the public prosecutor.

J. Response to paragraph 17 on steps taken to ensure that conditions of detention in the country's prisons are in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners

109. The Central African Republic has adopted various measures to ensure that detention conditions in its prisons are in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, including:

- Act No. 12.003 of 12 April 2012 establishing the fundamental principles governing prisons in the Central African Republic

- Decree No. 16.0087 of 16 February 2016 establishing the structure and regulating the functioning of the country's prisons and defining how they are administered
- Decree No. 16.0088 of 16 February 2016 overhauling the prison administration regime
- Decree No. 16.089 of 16 February 2016 defining the uniforms, insignia and stripes of officials and uniformed staff of the prison service
- Decree No. 16.090 of 16 February 2016 establishing the model rules of procedure applicable to the country's prisons

K. Response to paragraph 18 on the fight against corruption in the judiciary

110. The authorities have taken various measures to combat corruption in the Central African Republic in general, including:

- Ratification of the United Nations Convention against Corruption on 3 July 2006.
- Ratification of the African Union Convention on Preventing and Combating Corruption on 3 July 2006.
- The inclusion of article 146 in the Constitution of 30 March 2016, providing for the establishment of the Higher Authority for Good Governance. This body is responsible for upholding the prohibition of family, clan, patrimonial and partisan participation in the management of public affairs (art. 148). It also ensures the protection of the national heritage and transparency in the exploitation and management of natural resources (art. 149).
- The adoption of Acts Nos. 10.001 and 10.002 of 6 January 2010 establishing the Central African Criminal Code and the Code of Criminal Procedure, respectively, which severely punish corruption.
- The adoption of Decree No. 08.133 of 31 March 2008 establishing the National Anti-Corruption Committee, which provides the country with an entity responsible for dealing with corruption issues.

111. Moreover, the Central African Republic has had an anti-corruption strategy paper since September 2012.

112. The Judicial Services Inspectorate is the primary institution responsible for combating corruption in the judiciary.

L. Response to paragraph 19 on the exercise of freedom of expression, of the press and of the media under article 19 of the Covenant

113. The exercise of freedom of expression, of the press and of the media under article 19 of the Covenant is regulated in the Central African Republic under:

- Article 15 of the Constitution of 30 March 2015.
- Articles 1 and 2 of Ordinance No. 05.002 of 22 February 2005 on freedom of communication.
- Ordinance No. 05.007 of 2 January 2005 on political parties and the status of the opposition in the Central African Republic. Article 12 of the Ordinance provides that: "Political parties and groups have the right of equitable access to the State media, the conditions of which are defined by the legislation and regulations in force." Article 33 provides that: "Political parties and groups may express themselves freely on government actions and may carry out their press activities without hindrance in accordance with the legislation and regulations in force."

114. Thus, journalists who had been detained for press offences were released by the judge in accordance with the above-mentioned ordinance.

M. Response to paragraph 20 on respect for and protection of the activities of human rights defenders

115. The Central African Republic has subscribed to the United Nations Declaration on Human Rights Defenders.

116. The Constitution of 30 March 2016 guarantees all citizens, without distinction, the right to freely establish associations, including organizations for the defence and protection of human rights, and guarantees the protection of those who choose to do so.

117. Act No. 17.015 of 20 April 2017 establishing the National Commission on Human Rights and Fundamental Freedoms also defends the rights of human rights defenders.

118. The country's NGO network is in the process of drafting a bill on the protection of human rights defenders, which will be transmitted to the Government in due course.

III. Recent developments in the implementation of the International Covenant on Civil and Political Rights in the Central African Republic

A. Measures taken to implement the provisions of the Covenant in the Central African Republic

119. Since the second periodic report was considered by the Human Rights Committee in 2005, the Central African authorities have made every effort to implement the provisions of the International Covenant on Civil and Political Rights. The measures taken relate both to the legal and institutional frameworks and to general and specific policy measures.

120. In this report, the Central African Republic presents the developments in respect of some civil and political rights, highlighting the most urgent problems faced in the country since the crises that broke out on 13 March 2013, which continue to this day, with two thirds of the country occupied by irregular armed groups and movements.

1. Right to self-determination (Covenant, art. 1)

121. The Central African Republic acquired international sovereignty on 13 August 1960 and acceded to the United Nations on 20 September of the same year. Since then, the Central African Republic has been a sovereign independent State in its diplomatic and trade relations, both multilateral and bilateral.

122. Since the second report was presented in 2005, successive regimes and Governments have led actions that demonstrate the extent to which the Central African Republic accords special importance to the right to self-determination. The choices made by the country's leaders in organizing free, fair and democratic elections and adopting the supreme law show the authorities' political will to guarantee the right to self-determination for the well-being and the economic, political, social and cultural development of the population.

123. The preamble to the country's Constitution of 30 March 2016 states that its people are: "resolved, in accordance with international law, to preserve the territorial integrity of the Central African Republic and its inalienable right to fully exercise its sovereignty over its land, subsoil and airspace" (para. 5).

124. Paragraph 13 of the preamble speaks of the people's "desire to cooperate peacefully and amicably with all States, to work towards African unity in accordance with the Constitutive Act of the African Union, adopted on 12 July 2000, to promote the peaceful resolution of disagreements between States with respect for justice, equality, liberty and the sovereignty of peoples". The Constitution further restates the country's commitment to all duly ratified international Conventions, including those related to indigenous and tribal peoples (preamble, para. 16).

125. Article 24 provides that: "The form of State is a Republic. The name of the Central African State is the Central African Republic. The Central African Republic is a sovereign, indivisible, secular and democratic State, governed by the rule of law. Its capital city is Bangui, and may be transferred only by law, if required by the overriding interest of the Nation. The national language is Sango. The official languages are Sango and French. The emblem is a five-coloured flag, with four equal-sized horizontal stripes of blue, white, green and yellow, crossed in the middle by a vertical red stripe of the same width and with a five-pointed yellow star in the top-left corner. The motto is *Unité-Dignité-Travail* (Unity-Dignity-Labour). The national anthem is La Renaissance. The national day is 1 December, the date on which the Republic was declared. The currency is defined by the law. The seals and coats of arms of the Republic are defined by the law."

126. Article 25 lays out the principles of the Republic:

- Government of the people by the people for the people
- Separation of religion and State
- National unity
- Social harmony
- Social justice
- National solidarity
- Good governance
- Social and economic development

127. According to article 26: "National sovereignty belongs to the people, who exercise it either by referendum or through their representatives. No one group or individual may lay claim to or transfer the exercise of that sovereignty. The eligible institutions responsible for leading the State hold their powers from the people by means of direct and indirect elections under universal suffrage."

128. Article 28 clearly states that: "The usurpation of sovereignty by coup d'état, rebellion, mutiny or any other undemocratic process constitutes a crime against the Central African people not subject to statutory limitations. Any person or third State that commits such acts will have declared war on the Central African people. Any natural or legal person who organizes support for, or disseminates or causes the dissemination of statements in support of, a coup d'état, rebellion or attempt to take power by mutiny or any other means shall be considered a co-perpetrator. Perpetrators, co-perpetrators and accomplices of acts covered under paragraphs 1 and 2 are prohibited from holding any public office within State institutions."

129. In his speech to the Nation on his inauguration on 30 March 2016, the President of the Republic, Faustin Archange Touderra solemnly declared that: "The Central African Republic is one and indivisible. And so it shall remain."

130. Various policy developments in different spheres constitute significant progress that contributes to implementation of the right to self-determination in the Central African Republic; these include:

- Development of the poverty reduction strategy papers (PSRP I and II) 2008–2010 and 2010–2015
- The Emergency Programme for Sustainable Recovery 2014–2016
- The Central African Transition Support Programme, November 2015
- The National Recovery and Peacebuilding Plan 2017–2021

131. The political will of the Central African Republic authorities was also shown by the inclusion in the Constitution of the rights of indigenous peoples, an example of the practical implementation of and respect for the right to self-determination.

132. The preamble to the 30 March 2016 Constitution reaffirms the commitment of the Central African Republic to all duly ratified international Conventions, in particular those

on the elimination of all forms of discrimination against women, protection of the rights of the child and those related to indigenous and tribal peoples. Article 6 (2) of the Constitution provides that "The State ensures the protection of minorities, indigenous peoples and persons with disabilities".

133. In order to strengthen the protection of indigenous peoples and minority groups, the Central African Republic, after voting in 2007 in favour of the United Nations Declaration on the Rights of Indigenous Peoples, on 30 August 2010 became the first country in Africa and the twenty-second in the world to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). The commitment of the Central African Republic to these instruments and the incorporation of ILO Convention No. 169 in the preamble to the Constitution express the political will of the authorities to give new momentum to the promotion and protection of indigenous peoples' rights.

134. The will of the Government in this regard is also shown by:

- The representation of indigenous peoples within institutions such as the Economic and Social Council and the National Commission on Human Rights and Fundamental Freedoms
- The adoption of the Forest Code pursuant to Act No. 08.022 of 17 October 2008, involving indigenous peoples in forestry management in the Central African Republic
- The adoption of a decree dated 1 August 2003 banning the use and/or export of the oral traditions of cultural minorities for commercial purposes
- The enrolment in education (primary, secondary and higher) of indigenous children
- Annual celebration of the International Day of the World's Indigenous People on 9 August

135. The political will on the part of the authorities was also demonstrated through various actions, including:

- The organization of several awareness-raising campaigns to benefit indigenous populations
- Awareness-raising among members of Parliament
- The organization of a round-table discussion when ILO Convention No. 169 entered into force on 30 August 2011
- The establishment of a national committee to draft the initial report on ILO Convention No. 169 in 2012
- The planning of a workshop on the results of a consultation concerning the bill on the protection and promotion of indigenous peoples in the Central African Republic and the start of the development of a national policy for indigenous peoples, which was unfortunately interrupted by the events of 2013

2. Right to non-discrimination and right to equality (Covenant, art. 2 (1), (3) and (26))

136. At the national level, the Central African Republic has adopted important legal texts promoting non-discrimination and equality between all Central Africans, as well as the equal right to respect for all classes and categories of the population. The 30 March 2016 Constitution, through its provisions relating to civil and political rights, in no way specifies or encourages a policy of discrimination.

137. Moreover, the principles of non-discrimination and equality form the basis of national unity, peace and social cohesion between the peoples in general and specifically of the peaceful and harmonious cohabitation of the Christian and Muslim communities, which were torn apart by the conflicts of 2013.

138. To further reinforce non-discrimination and promote equality between all Central Africans, the authorities have organized major debates and forums, some of which deserve special mention:

- The Sirte agreement of 2 February 2007
- The Birao agreement of April 2007
- The ceasefire and peace agreements of May 2008
- The inclusive political dialogue of December 2008
- The act of accession to the peace process in the Central African Republic of 3 July 2009
- The ceasefire agreement of 27 August 2011
- The Libreville agreement of 11 January 2013
- The Nairobi agreements of January 2015, on the cessation of hostilities between the former Seleka and anti-Balaka groups
- The Commitment Agreement of 23 April 2015, between the Government and politico-military groups
- The Bangui Forum on National Reconciliation of May 2015

139. The ratification of a number of international and regional legal instruments, in addition to those already mentioned in the second periodic report, demonstrates the Government's willingness to combat all manifestations of discrimination in the country. These international and regional legal instruments are as follows:

- The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, ratified in 2007
- The Pact on Security, Stability and Development in the Great Lakes Region, ratified in 2007
- The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, ratified in 2010
- The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), ratified in 2010
- The Convention governing the CEMAC Community Court of Justice, ratified in 2010
- The Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, ratified in 2012
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified in 2012

140. The principle of non-discrimination and the right to equality have been incorporated in the following pieces of national legislation:

- Act No. 06.030 of 12 September 2006 establishing the rights and obligations of persons living with HIV/AIDS
- Act No. 06.032 of 15 December 2006 on the protection of women from violence
- Act No. 09.004 of 29 January 2009 on the Labour Code
- Act No. 09.014 of 10 August 2009 establishing the General Civil Service Regulations
- Act No. 09.012 of 10 August 2009 on the protection of older persons in the Central African Republic
- Act No. 10.001 of 6 January 2010 on the Criminal Code, amending Act No. 61.232 of 18 July 1961 on the Criminal Code
- Act No. 10.002 of 6 January 2010 on the Code of Criminal Procedure, amending Act No. 61.265 of 15 January 1962 on the Code of Criminal Procedure
- Act No. 15.003 of 3 March 2015 on the establishment and operation of the Special Criminal Court

- Act No. 16.004 of 24 November 2016 introducing gender parity in public, semi-public and private-sector employment
- Act No. 17.012 of 24 March 2017 on the Code of Military Justice
- Act No. 17.015 of 20 April 2017 establishing the National Commission on Human Rights and Fundamental Freedoms

141. To improve implementation of the principle of non-discrimination and the right to equality in the Central African Republic, the Ministry of National Reconciliation celebrated the International Day for the Elimination of Racial Discrimination on 21 March 2016, in partnership with the Human Rights Division of MINUSCA. During the celebration, two major topics were debated and discussed:

- The Durban Conference 15 years on. This was an opportunity for the country to assess the implementation of the various areas of concern of the 2001 Durban Conference on the following issues:
    - All forms of racial discrimination and prejudice
    - All forms of ethnic discrimination and prejudice
    - Religious intolerance
    - Women victims of racial discrimination, xenophobia and intolerance
    - Child victims of racial discrimination, xenophobia and intolerance
    - Girl victims of racial discrimination, xenophobia and intolerance
    - Xenophobia
    - Conflicts in the name of religion or belief
    - Anti-Semitism
    - Minorities who are victims of racial discrimination, xenophobia and intolerance
    - Reparations, compensation and other measures to assist victims of racial discrimination, xenophobia and intolerance
    - Slavery and the slave trade
    - Certain categories of victims of racial discrimination, xenophobia and intolerance
    - Strategies, programmes, policies and preventive measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels
    - Access to education without discrimination
    - Human rights education
    - Human rights education for children and youth
    - Human rights education for public officials and professionals
    - The use of the new information and communications technologies, including the Internet, to create educational and awareness-raising networks against racism, racial discrimination, xenophobia and related intolerance, both in and out of school, as well as the possibilities offered by the Internet for promoting universal respect for human rights and respect for the value of cultural diversity
    - Establishing and strengthening independent national human rights institutions
    - Indigenous peoples
    - Migrants and foreign nationals
    - Refugees

- Impunity and prosecution of the perpetrators of crimes against humanity and war crimes, including crimes related to sexual violence and racist acts
- Ratification and effective implementation of relevant international and regional legal instruments on human rights and non-discrimination (see para. 78, pp. 73–75 of the Durban Declaration and Programme of Action)
- Creation of jobs for persons who are victims of racism, racial discrimination, xenophobia and intolerance
- Health and the environment
- The key role of politicians and political parties in combating racism, racial discrimination, xenophobia and related intolerance, through concrete steps to promote equality, solidarity and non-discrimination in society, etc.

- Presentations and discussions on "the right to non-discrimination in the Central African Republic" were organized in various schools and sectors aimed at the Christian community and the Muslim community to raise awareness on social cohesion and peaceful cohabitation between Central Africans.

142. Along the same lines, the celebration of the International Day for the Elimination of Racial Discrimination on 21 March 2017, organized by the MINUSCA Human Rights Division, provided an opportunity to assess the implementation of minority rights in the Central African Republic.

3. Right to life and protection of the human person (Covenant, art. 5)

143. Article 1 of the Constitution of 30 March 2016 focuses closely on respect for life and protection of the human person: "The human person is sacred and inviolable. All public officials and all organizations have an absolute obligation to respect it." Article 3 of the Constitution clearly states that "Everyone has the right to life and bodily integrity."

144. Through the provisions of the new Criminal Code, adopted in 2010, the Central African Republic, considering life and the security of the human person to be sacred, criminalizes and penalizes any act aimed at violating them. It has numerous tightly focused criminal provisions to prohibit and punish abuses and violations against life and the human person.

145. With respect to women, article 112 provides that: "Any person who deliberately injures, strikes, commits assault and battery against or deprives of food a woman upon the death of her spouse or during mourning ceremonies or widowhood rites shall be punished by 3 to 5 years' imprisonment and a fine of 100,002 to 2,000,000 francs."

146. In the category of crimes against the human person, the provisions of the following articles deserve mention. Article 152, prohibiting genocide, states that: "The crime of genocide is constituted by violations of the provisions of the Rome Statute of the International Criminal Court and, in particular, by committing or ordering commission of any of the following acts, following a common plan with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, or a group defined on the basis of any arbitrary criterion:

- Killing members of the group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- Imposing measures intended to prevent births within the group
- Forcibly transferring children of the group to another group"

147. Article 153 provides that: "A crime against humanity is constituted by any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- Murder
- Extermination
- Deportation or forcible transfer of a population
- Enslavement
- Widespread and systematic summary executions
- Enforced disappearance of persons
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law
- Torture and other inhumane acts
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity
- Persecution against any identifiable group or community on political, racial, national, ethnic, cultural, religious or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in the provisions of the Rome Statute
- Crimes of apartheid
- Other inhumane acts of a similar character that intentionally cause great suffering or serious injury to body or to mental or physical health"

148. Article 156 states that: "In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause, are considered to be war crimes."

149. The establishment of the Ministry of Justice and the related courts and tribunals is the means of protecting the right to life and security of person.

150. The establishment of the Special Criminal Court in the Central African Republic represents a major step forward.

151. In addition to the efforts made by the Government, several organizations for the defence and protection of human rights are working to protect the right to life and the human person. Some victims have also formed an association to obtain justice and redress for harm suffered.

4. Right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Covenant, art. 7)

152. Article 3 of the 30 March 2016 Constitution provides that "No one shall be subjected to torture, rape or inhuman, degrading or humiliating treatment or punishment. Any individual, public official or organization who is guilty of such acts shall be punished in accordance with the law."

153. The ratification by the Central African Republic of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with the instrument of ratification deposited in 2013, contributes to combating torture in the country.

154. The new Criminal Code, which entered into force in 2010, made any act of torture or inhuman and degrading treatment against the human person a specific criminal offence.

155. Thus, under article 118 of the Criminal Code: "Subjecting a person to torture, cruel, inhuman or degrading treatment or barbarous acts shall be punishable by hard labour."

156. According to the provisions of article 119 of the Criminal Code: "The offence defined in the previous article shall be punishable by hard labour for life if it is committed:

- Against a minor under 18 years of age
- Against a person whose particular vulnerability, for example due to age, illness, infirmity, physical or psychological deficiency or pregnancy, is apparent or known to the perpetrator
- Against a legitimate, natural or adoptive parent
- Against a member of the Government, member of Parliament, judge, lawyer, doctor, public or ministerial officer or any other holder of public authority or person responsible for a public service mission, while carrying out his or her duties or fulfilling his or her mission, when the status of the victim is apparent or known to the perpetrator
- Against a witness, victim or civil party, either to prevent that person from reporting an incident, making a complaint or making a statement in court, or motivated by such a report, complaint or statement
- By the spouse or partner of the victim
- By a public servant or a person responsible for a public service mission, while carrying out his or her duties or fulfilling his or her mission
- By multiple persons acting as perpetrator or accomplice
- With premeditation
- With the use of force"

157. "The penalty shall be 20 years of forced labour if the offence is committed against a minor under the age of 18 by a legitimate, natural or adoptive parent or any other person with authority over the minor."

158. By celebrating the International Day in Support of Victims of Torture on 26 June each year, the Central African Government demonstrates its willingness to combat these practices.

159. The action of human rights organizations in general, and more specifically of Action by Christians for the Abolition of Torture-Central African Republic (ACAT-RCA), as a non-governmental organization in combating torture and other inhuman and degrading treatment, represents significant progress in this respect.

160. Despite all these measures, isolated cases of acts of torture and inhuman and degrading treatment continue to occur. Each time such acts are discovered or reported, the competent authorities immediately institute proceedings.

161. In conflict zones occupied by irregular armed groups, acts of torture and inhuman and degrading treatment are a common occurrence. Due to the prevailing insecurity in these zones, it is not possible to provide reliable statistics regarding the victims.

5. Prohibition of slavery, trafficking in persons, servitude, forced or compulsory labour (Covenant, art. 8 (1), (2) and (3))

162. Slavery, trafficking in persons, servitude, forced or compulsory labour are prohibited and condemned by the Central African Constitution of 30 March 2016, which enshrines and guarantees the right to equality between men and women in all areas in the following terms: "In the Central African Republic, there is no restriction or privilege connected with a person's place of birth, identity or descent."

163. By ratifying the ILO Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105), the Central African Republic has made a firm commitment to combat and eradicate these phenomena.

164. Several pieces of legislation have thus been revised, notably as follows:

- The adoption in 2009 of the Labour Code, which specifies in its article 7 that: "Forced or compulsory labour is absolutely prohibited in all its forms, in particular:
    - As a measure of coercion or political education
    - As a punishment against persons who have expressed certain political, trade union or religious opinions or their ideological opposition to the political, social or economic order
    - As a method of mobilizing and using labour for purposes of economic development
    - As a means of labour discipline
    - As a means of racial, social, national or religious discrimination
    - As a punishment for having participated in strikes"
- The 2010 Criminal Code contains broad provisions criminalizing these practices

165. According to article 151: "Trafficking in persons is the act of recruiting, transporting, transferring, harbouring or receiving persons under the following conditions:

- By means of the threat or use of force or other forms of coercion.
- By means of abduction, fraud, deception, abuse of power or of a position of vulnerability.
- By means of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. When committed intentionally, trafficking in persons or attempted trafficking in persons shall be punishable by imprisonment for 5 to 10 years."

166. Trafficking in persons, when committed for the purpose of exploiting minors under 18 years of age, shall be punishable by a period of hard labour, irrespective of whether it involved the use of any of the means mentioned in paragraph 1 of the present article.

167. The purposes of exploitation shall include, inter alia, exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs:

- Causing serious bodily or mental harm to members of a group
- Deliberately inflicting on a group conditions of life calculated to bring about the physical destruction of the group in whole or in part
- Imposing measures intended to prevent births within the group
- Forcibly transferring children of the group to another group
- Deporting or forcibly transferring a population
- Enslavement
- The mass and systematic practice of summary executions
- The enforced disappearance of persons
- Imprisonment or other severe deprivation of physical liberty in violation of the fundamental rules of international law
- The practice of torture and inhuman acts
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of the means referred to in paragraph 1 of the present article

168. The purposes of exploitation shall include, inter alia, exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

169. It is an important achievement that these practices have been criminalized under the following two articles:

- Under article 257: "The smuggling of migrants shall mean the procurement, in order to obtain directly or indirectly a financial or other material benefit, of the illegal entry of a person into a State of which the person is neither a national nor a permanent resident. Smuggling or attempting to smuggle migrants shall be punishable by imprisonment from 1 to 3 years and by imprisonment from 5 to 10 years when committed in circumstances that:
    - Endanger, or are likely to endanger, the lives or safety of the migrants concerned or
    - Entail inhuman or degrading treatment, including for exploitation, of such migrants"
- Under article 257: "Anyone who produces, procures, provides or possesses a fraudulent travel or identity document in order to enable the smuggling of migrants shall be punished by imprisonment for 5 to 10 years and a fine of 200,000 to 500,000 francs."

170. The abolition of child labour has been a significant achievement in the Central African Republic with the ratification of the ILO Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). The Labour Code prohibits the employment of children under 14 years of age. It allows the minimum age for access to employment to be reduced to 12 years for certain categories of light work, including in the areas of traditional agriculture and household chores.

171. The law prohibits persons under 18 years of age from performing work classified as dangerous or working at night, but many children continue to do so.

172. It must be recognized that child labour is still widespread in many sectors of the economy, particularly in rural areas but also in conflict zones, where children are most often used.

173. At present, because of the insecurity, it is almost impossible for the new authorities to compile reliable statistics on persons and children who are victims of forced labour in the interior of the country and throughout the Central African Republic.

6. The right to liberty and security, and the prohibition of arbitrary detention (Covenant, art. 9)

174. The right to liberty and security and the prohibition of arbitrary detention are addressed by the Constitution of 30 March 2016, in particular in its articles 3 (3) and 5.

175. According to the provisions of article 3 (3): "No one shall be arbitrarily arrested or detained."

176. Under article 5: "Personal liberty is inviolable. The freedoms of movement, residence and establishment throughout the country are guaranteed to all, under the conditions laid down by law. No one may be forced to go into exile. The Central African Republic guarantees the right of asylum to persecuted persons. No one may be placed under house arrest, except by law."

177. It should also be noted that the political will of the authorities to guarantee those rights and freedoms was reflected in the adoption of Acts Nos. 10.001 on the Criminal Code and No. 10.002 on the Code of Criminal Procedure.

178. Article 97 of the Criminal Code provides that: "Anyone who, without an order from the constituted authorities and except in cases where the law orders the seizure of accused persons, has arrested, detained or confined any person shall be punished by a penalty of 5 to 10 years' imprisonment. The same penalty shall also be imposed on anyone who concludes an agreement for the purpose of depriving another person of liberty, whether against payment or free of charge. Any money, objects or valuables received in the execution of such an agreement shall be confiscated. The maximum penalty shall always be imposed if the person covered by the agreement is under 18 years of age."

179. Article 98 states that: "Anyone who places or receives a person in bondage, regardless of the reason, shall be punished by a prison term of between 1 month and 1 day

and 2 years and a fine of 100,002 to 120,000 CFA francs. The penalty may be increased to 5 years if the person placed or received in bondage is under 18 years of age. The perpetrators may, moreover, in all cases, be deprived of the rights mentioned in article 24 of the present Code for at least 5 years and for a maximum of 10 years."

180. According to article 99: "If the detention or illegal confinement referred to in article 97 lasts more than one month, the penalty shall be a term of hard labour."

181. Article 100 also provides that: "The penalty shall be reduced to 2 to 5 years' imprisonment if, before being prosecuted for offences mentioned in article 97, the perpetrators free the persons arrested, illegally confined or detained before the tenth full day since the arrest or illegal confinement."

182. Finally, article 101 states that: "The perpetrators of an arbitrary arrest carried out in disguise, under a false name or using a false official order shall be punished by a period of hard labour."

183. "If a person arrested, detained or illegally confined has been threatened with death or has suffered physical injury, the perpetrator shall be punished by hard labour for life. If the person arrested, detained or illegally confined has been physically tortured, subjected to cruel or degrading treatment, or if the act results in death, the penalty shall be capital punishment."

7. Freedom of movement (Covenant, art. 12)

184. In its article 5, the Constitution of 30 March 2016 enshrines the principle of freedom of movement, residence and establishment throughout the country under the conditions established by law.

185. Between 2005 and 2012, the authorities carried out extensive actions against phenomena that were crippling and violating the principle of freedom of movement throughout the territory. The aim was to dismantle illegal roadblocks on the main roads in the country and combat the highway robbers and other bandits who were robbing travellers and passers-by.

186. Unfortunately, freedom of movement has been compromised by the fighting that began in December 2012. The situation worsened from 24 March 2013, following the takeover by the Seleka coalition, and further deteriorated after 5 December 2013 and the failed resistance attempt by the anti-Balaka militias.

187. Since 2013, with the occupation of almost all prefectures in the country by non-traditional armed groups, the free movement of goods and persons has unfortunately been restricted to Bangui, despite the presence of MINUSCA troops who are trying as best they can to protect the population and guarantee freedom of movement within the country.

8. Aliens and migration law (Covenant, art. 13)

188. The information provided by the Central African Republic on the situation of the rights of foreign nationals in the second periodic report considered by the Committee in 2005 is no longer valid. In this report, the Central African Republic presents the progress made on the issue of migrants in the country.

189. The Central African Republic is one of the countries in the region severely affected by the phenomenon of migration in all its aspects. It is known as the "cradle of migration", both legal and illegal, and is a host country for foreigners of many different nationalities. Its political authorities have always had migration at the centre of their concerns, but no strategies or policies, in respect of either institutions or the law, have been developed to help manage the phenomenon in a coordinated, dynamic and effective manner. The term that has always been used in the legislation and policies developed by the various Governments is "aliens".

190. In 2006, the Central African Republic joined the Euro-African Dialogue on Migration and Development (Rabat Process), with its three main pillars:

- Organizing legal migration

- Combating irregular migration
- Strengthening synergies between migration and development

191. Joining this process has enabled the Central African Republic to participate in several international meetings on migration, such as:

- The Paris meeting in 2011
- The Madrid meeting in 2012
- The Dakar meeting in 2013
- The Rome summit in 2014
- The Valletta 1 summit in 2015
- The Valletta 2 summit in 2017

192. To enable the Central African Republic to develop a national migration policy, the Ministry of the Interior and Public Security has been supported by an exploratory mission by MIgration EU eXpertise (MIEUX), which visited the country from 10 to 17 March 2017, with the financial assistance of the European Union. The mission addressed a number of questions and concerns related to the management of foreign nationals in general and migrants in particular in the Central African Republic, inter alia:

- The right to asylum
- Border management
- Legal and illegal migration
- Conditions for the return of internally displaced persons and refugees
- Capacity-strengthening for the Ministry of the Interior and Public Security in the management of foreign nationals in general and of migration flows in particular in the Central African Republic

193. Several workshops addressing those concerns are planned. The objective is to provide the Central African Republic with a national migration policy.

9. Equality before courts and tribunals and legal assistance (Covenant, art. 14)

194. The normative framework on equality before the courts and tribunals and legal assistance consists of various instruments, including:

- The Constitution of 6 March 2016 (art. 6 (1))
- Act No. 15.003 of 3 June 2015 on the establishment and operation of the Special Criminal Court (art. 64)
- The Code of Civil Procedure
- Act No. 10.002 of 6 June 2012 on the Code of Criminal Procedure
- Act No. 10.006 of 26 June 2010 on the status of the legal profession

195. It should be noted that, on this issue, the Central African Republic is in compliance with the provisions of the International Covenant on Civil and Political Rights, as can be seen from the inclusion of equality in the Constitution of 30 March 2016.

196. Article 6 (1) of the Constitution provides that: "All human beings are equal before the law without distinction as to race, ethnic or regional origin, sex, religion, political affiliation or social status."

197. Judicial and administrative institutions are required to respect this principle, under the supervision of the Ministry of Justice and Human Rights.

198. Legal assistance is also recognized in the Central African Republic through the existence of the Legal Assistance Commission attached to the prosecution services in the *tribunaux de grande instance* (courts of major jurisdiction), which was set up several years ago. The Commission was mandated to consider cases in which legal aid should be granted

to the poorest, to exempt them from legal expenses (court fees) related to their cases before the courts. Unfortunately, because of shortcomings identified, the Commission has halted its activities.

199. With the return to constitutional legality, the Government has tabled a bill on legal assistance, which has been submitted to the National Assembly for consideration.

10. Freedom of thought, conscience and religion (Covenant, art. 18)

200. Freedom of conscience, assembly, religion and worship is enshrined in article 10 of the Constitution of 30 March 2016 and, since 2013 and the emergence of intercommunal and interreligious conflict, has been an issue of major concern for the Central African authorities.

201. Its inclusion in the Constitution gives weight to the country's signing of the final document of the International Consultative Conference on School Education in relation to Freedom of Religion or Belief, Tolerance and Non-discrimination. The country has also endorsed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in the context of the implementation of the 2001 Durban Declaration and Programme of Action.

202. Several laws have been adopted at the national level to give effect to this intention:

- The 1961 Act on the Establishment of Associations in the Central African Republic, still in force, promotes respect for that freedom when associations are established under the authority of the Ministry of the Interior and Public Security.
- Ordinance 05.007 of 2 June 2005 on political parties and the status of the opposition in the Central African Republic poses the issue of non-discrimination in the establishment of political parties as follows: "On their establishment, in their organization or operation, political parties and groups shall not introduce or encourage any discrimination based on the clan, ethnic group, region, religion, gender, wealth, social status or any other criteria for discrimination."
- The laws and regulations governing the establishment of secular institutions (primary, secondary and university-level).
- The ordinances and other legislation authorizing the creation of faith-based bodies (Catholic, Protestant or Muslim) and the organization of religious communities amply demonstrate the sacred value of this freedom in the Central African Republic.

203. Several republican institutions help to uphold the freedom of conscience, assembly, religion and worship. They include:

- The Ministry of the Interior and Public Security
- The Ministry for the Advancement of Women, the Family and Child Protection
- The Ministry of Humanitarian Action and National Reconciliation
- The Ministry of Justice and Human Rights

204. Non-State structures also play an important role in this area:

- Civil society organizations
- Faith-based organizations
- Human rights organizations
- The religious platform
- The humanitarian agencies

205. In the absence of a model policy in this area, the Central African authorities have adopted various measures, including national policies, to guarantee the exercise of these rights. They include, inter alia:

- The development of a religious platform following the painful events that caused division and fracture between different religious groups, particularly the Christian and Muslim communities. The platform is intended to bring together and show the

complementary nature of the various religious denominations, in the direction of peace and peaceful and harmonious coexistence.

- The development and adoption of a national plan for reconciliation in order to unify and bring together the communities torn apart by interreligious conflict and thus to maintain cohesion and peaceful coexistence.
- The establishment of a framework for cooperation between the various political leaders, with the aim of maintaining cohesion among the different political parties and associations in the country in carrying out their missions and political ambitions.
- In his speech to the nation at his inauguration, the President of the Republic made reconciliation between all the political and religious beliefs in the Central African Republic the guarantor of unity and social cohesion throughout the country.

206. Freedom of assembly is guaranteed in article 10 of the 30 March 2016 Constitution in the following terms: "Freedom of conscience, assembly and worship are guaranteed to all under the conditions established by law."

207. It should be noted, however, that, as a result of interreligious and intercommunal conflict in the aftermath of the coup d'état of 24 March 2013, the freedom of assembly is subject to a number of restrictions for reasons of national security.

208. With the return to constitutional legality, the Government intends to regularize this situation, which is otherwise developing positively.

209. In terms of institutions, the Ministry of the Interior and Public Security is responsible for ensuring the proper implementation and enjoyment of this right.

11. Freedom of expression and freedom of the press (Covenant, art. 26)

210. Freedom of expression and freedom of the press in the Central African Republic are guaranteed under the Constitution of 30 March 2016 in its article 15 (1) and (2), which provides that: "The freedom to communicate, to express and to disseminate opinions either orally, in writing or in images, or through any other means of communication, subject to respect for the rights of others, is guaranteed individually and collectively" and "The freedom of the press is recognized and guaranteed. It shall be exercised in accordance with the conditions established by law." The basic law thus guarantees all citizens the right to inform and to be informed, as well as the expression of media pluralism, which is the guarantee of democracy and good governance.

211. To that end, the Central African Republic has ratified a number of international conventions, treaties and covenants, including:

- The Declaration of Windhoek on Promoting an Independent and Pluralistic African Press, ratified on 3 May 1991. Following the meeting organized by UNESCO and held from 29 April to 3 May 1991, the assembled Heads of State and Government pledged to provide multifaceted support to the media, and to ensure the freedom of communication, media pluralism and the protection of journalists and other media professionals;
- The Bagamoyo Declaration (Togo).

212. It should be noted that there are very few laws and regulations governing the operation of the press and the protection of journalists in line with international standards. Ordinance 05.002 of 22 February 2005 on freedom of communication in the Central African Republic is so far the only law governing the media sector and guaranteeing freedom of the press.

213. To ensure the proper use of press freedom, the Government of the Central African Republic has taken the necessary institutional and administrative measures to avoid the excesses that have frequently appeared in media productions.

214. The establishment of three ministerial departments reflects, if it were necessary, the political will of the Government in respect of the management, promotion and protection of the freedom of communication and the press in the country. They are:

- The Ministry of Communications and the Media
- The Ministry of Scientific Research and Technological Innovation
- The Ministry of Post and Telecommunications

The Higher Council for Communication

215. An institution independent of any political power, political party, association or pressure group, the Higher Council for Communication was established pursuant to Act No. 17.006 of 15 February 2017. The Council is mandated, in the context of multiparty democracy, to ensure the exercise of freedom of expression, guaranteeing the independence of the media and the protection of all other means of mass communication, in compliance with the relevant existing legislative frameworks.

216. The Higher Council for Communication is responsible, inter alia, for ensuring the good functioning of media coverage of elections, that they are held in transparency and that there is equity between the candidates when they appear in the country's media.

217. The recent establishment of the Department of Information and Communication Sciences at the University of Bangui is a step forward in the area of freedom of expression and of the press.

218. With regard to non-State structures that contribute to the implementation of freedom of the press in the country, only the professional media organizations act as institutions that defend press freedom and protect the moral and material interests of the country's media. They are:

- The Union of Journalists, which serves as an umbrella structure for journalists and other media professionals
- The Group of Independent Private Press Editors, for employers of journalists and newspaper owners
- The Central African Media Observatory, which is a self-regulatory body, a court of "peers", i.e., journalists who organize to regulate themselves, sometimes adopting decisions or even sanctions against fellow journalists who contravene the provisions of the journalists' code of ethics
- The Association of Women Communication Professionals, which is a women's organization that brings together women working in communications

219. In the area of journalists' rights, articles 11, 12, 13, 14, 15 and 16 of Ordinance 05.002 of 22 February 2005 on freedom of communication provide guarantees for journalists. Their provisions impose obligations on the political and administrative authorities to protect journalists, to promote their freedom of movement, to give them freedom to investigate and to pursue their profession without question and without being subjected to pressure of any kind. They also specify that journalists may not be forced to perform any professional act that is contrary to their beliefs or conscience.

220. However, the text includes certain restrictions that the Higher Council for Communication proposes correcting through a review of the Ordinance, which could lead to the country's first law on communications.

221. In terms of general and specific policy measures adopted to give effect to the Covenant provisions relating to freedom of the press, it must unfortunately be noted that there is no national policy as such in the area of press freedom.

222. In the absence of such guidance, the Government's action programme, presented to the National Assembly, and the annual work plan of the departments responsible for communications and the media serve as national policy.

223. To date, the Central African Republic unfortunately still has only one public television channel, which is virtually moribund, broadcasting only to the city of Bangui. However, permits for the establishment of private television stations have been issued to individuals and investors.

224. Private radio stations exist in virtually every prefecture in the country.

225. With regard to the press, all newspapers are published freely.

Statistical data on the journalists surveyed

226. In the view of national observers, Ordinance No. 05.002 of 22 February 2005 is now obsolete and no longer really meets current requirements in terms of freedom of the press. About 10 journalists have been prosecuted and imprisoned since it was introduced.

12. Freedom of association (Covenant, art. 22)

227. Freedom of association is guaranteed by the Constitution of 30 March 2016, which, in its article 14, provides that: "All citizens have the right to freely form associations, groups, societies and public service institutions, provided that they comply with the laws and regulations." Act No. 61/233 of 27 May 1961, regulating associations, and Act No. 02.004 of 21 May 2002, governing NGOs, have allowed the establishment of numerous associations and NGOs throughout the country.

228. Those two Acts are complemented by Ordinance No. 05.007 of 2 June 2005 on political parties and the status of the opposition in the Central African Republic.

229. To date, these remain the only instruments of reference.

230. In terms of institutions, the Ministry of Public Security and Territorial Administration monitors respect for freedom of association throughout the country.

231. Although there is not yet any specific national policy on freedom of association, the fact remains that several associations, NGOs and political parties or associations have been established and recognized by the Ministry of Public Security and Territorial Administration, in accordance with the regulations.

13. The right to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access, on general terms of equality, to public service in one's country (Covenant, art. 25)

232. These rights are enshrined in the Constitution of 30 March 2016.

(a) The right to take part in the conduct of public affairs (art. 25 (1))

233. The Central African Republic has ratified several international legal instruments in this area since 2005. They include:

- The United Nations Convention against Corruption, ratified on 3 July 2006
- The African Charter on the Democracy, Elections and Governance, ratified in 2017
- The Convention on the Rights of Persons with Disabilities; the ratification process is ongoing

234. In terms of national legislation, the country has introduced key pieces of legislation that reflect the implementation of this right:

- The Constitution of 30 March 2016, through the relevant provisions, including those in articles 1 (2), 6, 11 (2) and (3), and 129 (3)
- Act No. 06.030 of 12 September 2006, which establishes the rights and obligations of persons living with HIV/AIDS
- Act No. 08.022 of 17 October 2008 on the Forest Code, which provides for indigenous peoples to be involved in forest management in the country (section II, arts. 14–18)
- Act No. 09.005 of 29 April 2009 on the Mining Code (arts. 42 and 83)
- Act No. 09.004 of 29 January 2009 on the Labour Code (section V)
- Act No. 16.004 of 24 November 2016, which establishes gender parity in the Central African Republic

235. Institutional measures towards implementation of the right to take part in the conduct of public affairs include various mechanisms and institutions:

State institutions

- The Ministry of Justice and Human Rights
- The Ministry for the Advancement of Women, the Family and Child Protection
- The Ministry of Humanitarian Action and National Reconciliation
- The Higher Authority for Good Governance
- The Economic and Social Council
- The Constitutional Court
- The Parliamentary Court of Justice
- The judiciary
- The Court of Cassation
- The Council of State
- The Court of Auditors
- The Jurisdiction Court, which settles conflicts of jurisdiction
- The courts and tribunals

Non-State structures

- Mouvement pour la Défense des Droits de l'Homme (Movement for the Defence of Human Rights)
- Ligue Centrafricaine des Droits de l'Homme (Central African Human Rights League)
- Observatoire Centrafricain des droits de l'homme (Central African Human Rights Observatory)
- Association des Femmes Juristes de Centrafrique (Association of Women Lawyers of the Central African Republic)
- Association Centrafricaine de Lutte Contre la Violence (Central African Association against Violence)
- Observatoire pour la Promotion de l'Etat de Droit (Observatory of the Promotion of the Rule of Law)
- Action by Christians for the Abolition of Torture

Non-judicial mechanisms

236. The non-judicial mechanisms are independent institutions and bodies to which complaints of human rights violations or of failure to respect human rights can be addressed. They include the National Commission for Human Rights and Fundamental Freedoms, established pursuant to Act No. 17.015 of 20 April 2017. Article 6 of the Act provides that: "The Commission's mandate is to ensure, throughout the country, respect for human rights and fundamental freedoms as defined in the International Bill of Human Rights, the African Charter on Human and Peoples' Rights, the Constitution of the Central African Republic and other national and international legal instruments in force."

237. In terms of general and specific policy measures adopted by the Central African Republic towards implementation of the right to take part in the conduct of public affairs, several strategic documents are worthy of mention. They include:

- The National Policy for the Promotion of Gender Equality and Equity (July 2007) action plan of the Ministry of Family, Social Affairs and National Solidarity.
- The Sectoral Strategy on Gender Equality and Poverty Reduction, 2010.

- The National Strategies to Promote Gender Equality and Combat Gender-based Violence, Bangui, 2011.
- The 2011–2015 poverty reduction strategy paper (PRSP): gender mainstreaming was also one of the priorities of the 2008–2010 PRSP. In the 2011–2015 PRSP, gender is one of the eight areas of activity in the "human capital and essential social services" cluster. Gender is integrated in a cross-cutting manner across the different sectors. For example: promotion of the equitable participation of men and women is established as a basic thrust of local development (particularly agricultural development) and implementation of a gender-based approach appears as one of the challenges in the area of security (p. 51).
- The National Recovery and Peacebuilding Plan 2016–2021.

Specific case of women and minorities

238. There is no law in the Central African Republic that prevents women or minorities participating in political life on same terms as all other citizens, whoever they may be. However, even though the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) has been ratified, there are still cultural factors that constitute barriers to women.

239. With the Constitution of 30 March 2016 and Act No. 17.004 of 4 November 2016 establishing gender parity in public, semi-public and private employment, in both the informal and the formal sectors, women are becoming increasingly involved in the management of public affairs. A quota of 35 per cent has been set to encourage their access to public life.

240. Minority groups such as the Aka pygmies and the Fulani are encouraged by the Government and NGOs to enter into public affairs, but their low levels of education prevent them from doing so. Departments like the Ministry of Social Affairs and the Ministry of Justice and Human Rights, on behalf of the Government, and human rights NGOs advocate access for minorities to public positions.

241. Other measures of particular importance which reinforce implementation of the right to take part in the conduct of public affairs have been the subject of documentation series, including surveys, studies and reports, such as:

- The African Gender and Development Index, Economic Commission for Africa, 2011
- A summary of the National Policy for the Promotion of Gender Equality and Equity by Timothée Tabapssi, United Nations Population Fund, Central African Republic
- Gender equality and poverty reduction sectoral strategy by Timothée Tabapssi, United Nations Population Fund, Central African Republic
- Gender profile of the Central African Republic, African Development Bank, 2010
- A pilot project on the establishment of a multipurpose women's centre in Bangui aimed at capacity-building for women in the context of the consolidation of peace in the Central African Republic, United Nations Population Fund, 2011
- A diagnostic study on the gender situation in the Central African Republic, World Bank, July 2012

(b) The right to vote and to be elected by universal and equal suffrage (art. 25 (2))

242. Between 2005 and 2016, the Central African Republic organized periodic general elections, both presidential and legislative. There was a breakdown in the constitutional order in March 2013, followed, pursuant to the Transitional Constitutional Charter, by a period of transition until 30 March 2016.

243. In the area of the right to vote and to be elected by universal and equal suffrage, the Central African Republic ratified the following international and regional legal instruments between 2005 and 2017:

- The Pact on Security, Stability and Development of the International Conference on the Great Lakes Region, in 2007

- The Convention for the Protection and Assistance of Internally Displaced Persons in Africa, 2010
- The African Charter on Democracy, Elections and Governance, 2017 (arts. 1–10)

244. The following two important pieces of national legislation have been adopted:

The Constitution of 30 March 2016

245. The preamble to the Constitution reaffirms the country's commitment to the African Charter on Human and Peoples' Rights of 27 June 1981 and the African Charter on Democracy, Elections and Governance of 30 June 2007.

246. It also asserts that the population of the Central African Republic firmly believes that universal suffrage is the only source of legitimacy for political power. It thus firmly opposes the taking of power by force, all forms of dictatorship and oppression and any act of division or maintenance of hatred.

247. Article 30 of the Constitution provides that: "Citizens of the Central African Republic of both sexes, aged 18 years or over and in possession of their civic rights, are entitled to vote under the conditions determined by law. Voting is a civic duty. Suffrage may be either direct or indirect, as provided for in the Constitution. It shall always be universal, equal and secret."

248. In respect of participation by political parties, article 31 provides that: "Political parties or groupings contribute to the expression of suffrage and leadership in political, economic and social life. They are formed and exercise their activities freely. They are required to respect the principles of democracy, unity and national sovereignty, human rights and the secular nature and republican form of the State, in accordance with the laws and regulations in force. Political parties are prohibited from identifying themselves with a particular race, ethnic group, sex, religion, sect, language, region or armed group. No armed group may transform itself into a political party."

249. Article 68 further provides that: "The Central African people shall elect, by direct universal suffrage for a term of five years, citizens who shall constitute the National Assembly and bear the title of *député* (elected member). Each *député* is an elected representative of the nation. The term of office of a *député* may be terminated only by the dissolution of the National Assembly or by the *député*'s resignation, exclusion or revocation."

Act No. 13.003 of 13 November 2013, on the Electoral Code

250. Various institutions are concerned by the institutional measures adopted towards implementation of the right to vote and to be elected by universal and equal suffrage:

State institutions

- The Ministry of the Interior
- The Ministry of Territorial Administration, Decentralization and Local Development
- The Constitutional Court
- The National Elections Authority
- The Administrative Court
- The *tribunaux de grande instance* (courts of major jurisdiction)

Non-State institutions

- The National Electoral Observatory
- The Network of Non-Governmental Human Rights Organizations

Partners providing support and assistance to the Central African Republic

- MINUSCA

- The African Union
- The European Union
- The Economic Community of Central African States
- The International Conference on the Great Lakes Region
- The International Organization of la Francophonie
- UNDP

251. In order to ensure the exercise of the right to vote and to be elected by universal and equal suffrage, the Central African authorities have adopted general and specific policy measures to strengthen the electoral process in the country.

252. It should firstly be recalled that this right has evolved significantly since 2005, through the major steps taken in establishing the various structures below:

- The Independent Joint Electoral Commission, set up in 2005.
- The Independent Electoral Commission, set up in 2010.
- The National Elections Authority, which has existed since 2014 with the mandate of organizing the electoral process, including voter registration, the preparation and organization of elections and the provisional publication of election results. Members of the National Elections Authority are nominated by the bodies stipulated in the Electoral Code (art. 12 (1)): public authorities, political parties and civil society.
- The Framework for Cooperation, which collaborates closely with the National Elections Authority and enjoys the support of partners such as MINUSCA, UNDP and UN-Women.

253. In the absence of a specific national policy, the Central African Republic adopted the Code of Conduct for Political Parties and Candidates after a workshop held in November 2015 in the CEMAC conference hall.

254. Several partners have provided support through series of training courses, workshops and seminars on electoral processes to help the Central African Republic strengthen its electoral processes, particularly in the context of the recurring crises.

255. With the exception of the municipal councils and the Senate, all of the institutions provided for in the Constitution of 30 March 2016 have been established.

256. Disputes or irregularities noted before, during or after electoral processes are reported by candidates or their representatives and may be subject to complaints to the National Elections Authority, the Administrative Court or the Constitutional Court.

257. Such disputes may concern:

- Any unjustified refusal to register a declaration of candidature
- The absence of a certificate of built property
- The reversal of serial numbers on ballot papers
- The non-availability of ballot papers
- The absence of an official order on the appointment of civil servants and State officials
- The non-payment of a deposit

258. Irregularities may consist of:

- The involvement of local authorities in support of a candidate
- Verbal or physical abuse
- Insecurity, whether intentionally maintained or not
- Mass fraud during voting

- The distribution of voter registration cards
- Cases of sale and trafficking of voter registration cards
- Ballot rigging
- Violations of voters' freedom of choice
- Incorrect general counting of votes by the electoral authorities
- The publication of conflicting results by the electoral authorities
- Electoral campaigns outside of the prescribed period

259. The involvement of members of part of the electoral authority in support of a candidate:

- Bribery
- Corruption of polling station members by candidates
- Collusion between polling station members and armed groups

260. For example, in 2015, the parliamentary elections were cancelled throughout the country because of some irregularities noted. They were rerun a month later, at the same time as the second round of the presidential elections.

261. The level of participation in the first round in 2016 was estimated at 65 per cent. There was only one woman among the 30 candidates who stood in the presidential elections and 178 of the 1,618 candidates in the parliamentary elections (approximately 10 per cent) were women. Professor Faustin Archange Touadera was elected with 62.71 per cent of the vote, against 37.29 per cent won by his opponent Anicet Georges Dologuele in the second round of the presidential election, and 140 members, including 12 women, were elected to the National Assembly.

262. The eligibility requirements and restrictions are stipulated in the Constitution and are defined in the new articles 3 and 5 of the Electoral Code.

C. The right to have access, on general terms of equality, to public service in one's country (Covenant, art. 25 (3))

263. International legal instruments, including the ILO Conventions ratified in 2005, contribute broadly to the implementation of this right.

264. National legal instruments that reflect the implementation of the right to have access, on general terms of equality, to public service in one's country, are established under the following pieces of legislation:

- The Constitution of 30 March 2016, including paragraph 5 of its preamble and article 20.
- Act No. 09.014 of 10 August 2009 on the General Civil Service Regulations.
- Act No. 16.004 of 24 November 2016, establishing gender parity. The institutional measures taken towards implementation of the right to have access, on general terms of equality, to public service in one's country include the following:

State institutions

- The Ministry of the Civil Service
- The Ministry of Justice and Human Rights
- Ministry of Labour, Employment and Social Welfare
- The Ministry for the Advancement of Women, the Family and Child Protection
- The Ministry for Modernization of the Administration and Innovation in the Public Service
- The Administrative Court

- The Council of State
- The National Mediation Council
- The High Authority for Good Governance
- The Higher Council of the Civil Service
- The Standing Commission for Job Assessment and Staffing
- The Medical Board

Non-State structures

- Mouvement pour la Défense des Droits de l'Homme (Movement for the Defence of Human Rights)
- Ligue centrafricaine des droits de l'homme (Central African Human Rights League)
- Observatoire Centrafricain des droits de l'homme (Central African Human Rights Observatory)
- Association des Femmes Juristes de Centrafrique (Association of Women Lawyers of the Central African Republic)
- Association Centrafricaine de Lutte Contre la Violence (Central African Association against Violence)
- Commission Épiscopale Justice et Paix (Episcopal Commission for Justice and Peace)
- Observatoire pour la Promotion de l'Etat de Droit (Observatory of the Promotion of the Rule of Law)
- Action by Christians for the Abolition of Torture
- The Network of Human Rights NGOs
- Trade union organizations

265. The general and specific policy measures adopted towards implementing the right to have access, on general terms of equality, to public service in one's country include:

- The adoption of Act No. 09.014 of 10 August 2009 on the General Civil Service Regulations, which provides the framework law and lays out the context for implementation of this right.
- Article 4 of the Act provides that: "For the purposes of this Act, there shall be no discrimination between persons of the two sexes, other than exceptional measures that may be provided for some classes of job and dictated by the nature of the functions involved. No discrimination shall be made on the basis of ethnic or regional origin or political, religious or trade union membership in the application of this Act. Any detrimental act resulting from such a practice shall be considered null and void."

266. For access to public service, an individual must meet certain conditions as stipulated in Act 09.014 of 10 August 2009 on the General Civil Service Regulations.

267. An individual may join the civil service in either of two ways:

- On graduating from a specialized institute of further education
- Through a competitive examination for graduates with a diploma in general studies

268. The General Civil Service Regulations provide for a number of procedures related to career progression, transfers, reassignments and reclassification in the different units.

269. Staff members are appointed and promoted to different posts of responsibility in the civil service on the basis of objective criteria such as: competence, integrity and probity.

270. Moreover, public officials or State employees who commit administrative errors in the exercise of their functions are subject to the procedures provided for by the above-mentioned Act (see arts. 122–124).

271. One of the most important measures that has been taken is the adoption of Act No. 004.16 of 24 November 2016, establishing gender parity in public, semi-public and private employment, in both the informal and the formal sectors. It provides, among other things, a framework act to help bring about equality between men and women in relation to the right to equal access to public office on the one hand and, on the other, a framework to enable the promotion and fulfilment of women in all areas of life.

272. With regard to the active participation of women, it should be noted that the percentage of women in the civil service is still very low, despite the will expressed by the authorities. The Government is ready to rise to the challenge to be met by 2030, of 50:50 gender parity.

14. Challenges and constraints

273. Various challenges and constraints have been encountered in the implementation of civil and political rights in the Central African Republic. They include:

- The lack of awareness among the population and some authorities of the conventions and treaties on civil and political rights
- The recurrence of armed conflict, resulting in political instability
- Institutional instability in the bodies responsible for human rights issues
- The absence of a national policy on human rights
- The lack of effective incorporation of the provisions of the human rights conventions and treaties in the drafting of sectoral policies
- The lack of financial resources
- The existence of rebellions and non-traditional armed groups, resulting in widespread insecurity
- More than three decades of political instability, with its effects on political, economic and social life
- The proliferation of small weapons
- The presence of foreign rebel fighters
- Misappropriation of public funds and corruption, which make it difficult for the State to meet its sovereign obligations
- A real shortfall in human rights training for professional staff
- The lack of any sectoral policy for the implementation of civil and political rights

15. The major challenges to the effective implementation of civil and political rights in the Central African Republic

274. There are several major challenges currently facing the country, including how to:

- Restore State authority throughout the country
- Carry out the effective disarmament of former fighters
- Repatriate armed groups from other countries
- Achieve reconciliation between the country's population, with the aim of reaching genuine social cohesion
- Provide support in terms of justice and redress for all the different victims
- At the national level, begin the process of ratification of all international conventions and treaties relating to racial discrimination, xenophobia and intolerance
- Incorporate the provisions of all international conventions and treaties related to civil and political rights into the national legal system

- Revitalize the activities of the committees responsible for the rights of internally displaced persons and indigenous peoples, and the National Council for Child Protection
- Conduct a broad campaign to raise awareness of the international, regional and subregional programmes and action plans on human rights (Vienna, Beijing, Durban)
- Conduct a wide-reaching outreach and awareness-raising campaign on the international conventions and treaties relating to civil and political rights
- Resume the introduction of teaching on human rights, the culture of peace and intercultural dialogue in primary and secondary schools and all other levels of education
- Include the "Durban dimension" in all sectoral policies
- Address the need to set up an evaluation and monitoring committee for the various international, regional and subregional human rights programmes and action plans (Vienna, Beijing, Durban)
- Ensure the drafting and submission of periodic and universal periodic reports on implementation of the Convention on the Elimination of Racial Discrimination in the Central African Republic
- Adopt a national policy to combat all forms of racial discrimination
- Draft a national human rights policy
- Equip all ministerial departments responsible for civil and political rights with a policy document on each subject area

Conclusion

275. It must be remembered that, in drawing up the present periodic report, the Central African Republic was facing enormous challenges in respect of governance during the reporting period (2005–2017), with military and political crises that undermined the functioning of the country's institutions. Despite this situation, it can be seen that much progress has been made in the implementation of civil and political rights, although it must be recognized that the question of abolition of the death penalty, which is a concern of the Human Rights Committee, has not yet been resolved.

276. The Government's commitment to promote and protect human rights throughout the country at all times and in all circumstances remains unwavering. There have been significant developments in the normative and institutional framework for the promotion and protection of human rights.

277. The new Constitution, promulgated on 30 March 2016, recognizes in its title I the existence of human rights as the basis of any human community and of peace and justice in the world. The Constitution also calls for the respect of fundamental individual rights and freedoms and provides for the separation of powers.

278. These efforts will be pursued in the months and years ahead in meeting challenges and helping to ensure the effective implementation of civil and political rights in the Central African Republic.